

REMARKS

Claims 1, 4, 6-18, and 21-23 are now currently pending in the present application. Claims 6-18 have been withdrawn from consideration. Claims 2, 3, 5 and 19 have been cancelled in the present response. Claim 1 has been amended, support for which may be found in the present specification, at least, at page 5, lines 1-4 and page 9, lines 19-27. New claims 21-23 have been added in the present response. The support for the new claims may be found in the specification, at least, at page 11, lines 17-24 and the Examples, wherein an aliphatic hydrocarbon having 13 carbon atoms (tridecane) is utilized. No new matter is added by way of the present claim amendments.

Issues under 35 U.S.C. § 112, first paragraph

Claims 1-5 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner states that the specification enables specific hydrocarbons, higher alcohols, and esters but does not provide enablement for any solvent with an SP value. Furthermore, the Examiner asserts that the solubility parameter value is not a fixed value and may change depending on the solvent mixture.

In response to the outstanding rejection, Applicants have amended the present claims to clarify the solvents within the scope of the present invention. That is, claim 1 has been amended to recite that the solvent is an aliphatic hydrocarbon having 10 to 14 carbon atoms. This is consistent with the disclosure in the present specification at page 4, lines 14-27 and page 5, lines 1-4. Accordingly, Applicants respectfully submit that the presently claimed invention is fully enabled by the specification. Withdrawal of the outstanding rejection is respectfully requested.

Issues under 35 U.S.C. § 112, second paragraph

Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that it is impossible to determine what solvents are being claimed because the SP values for a given solvent change depending on what other solvents are present in a mixture.

In response to the outstanding rejection, Applicants have amended the present claims to clarify the solvents within the scope of the present invention. That is, claim 1 has been amended to recite that the solvent is an aliphatic hydrocarbon having 10 to 14 carbon atoms. Accordingly, Applicants respectfully submit that the presently claimed invention is definite. Withdrawal of the outstanding rejection is respectfully requested.

Issues under 35 U.S.C. § 102(b)

1) Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Broze '936 (US 5,435,936).

2) Claims 1, 4, and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moses '836 (US 5,549,836).

3) Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garrett et al. '507 (US 5,597,507).

4) Claims 1, 4, and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Evers et al. '948 (US 5,707,948).

5) Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. '051 (US 6,407,051).

Legal Standard for Determining Anticipation

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art.” *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Discussion of Present Invention

The present invention is directed to a detergent composition for cleaning-in-place (CIP), which advantageously removes residual flavors efficiently and reduces the smell of solvent after cleaning. Specifically, present claim 1 recites:

A detergent composition for CIP, which comprises:

(A) an aliphatic hydrocarbon solvent having 10 to 14 carbon atoms, and an SP value of 6 to 9 at 25 °C; and

(B) a surfactant selected from an alkyl polyglycoside or an alkyl glyceryl ether.

Discussion of Cited Prior Art

Each of Broze '936, Moses '836, Garrett '507 and Evers '948 fail to disclose the surfactant as recited in amended claim 1.

Smith '051 discloses an alkyl polyglycoside, which is within the scope of surfactant (B) of amended claim 1. However, the solvent disclosed by Smith '051 does not meet the requirements of presently claimed component (A), which requires an aliphatic hydrocarbon solvent having 10 to 14 carbon atoms (i.e., hexadecane has 16 carbon atoms). *See* col. 5, lines 50-52; and cols. 11 and 12, Example 2.

Since none of Broze '936, Moses '836, Garrett '507, Evers '948, and Smith '051, teach each and every element of the presently claimed invention, none of the cited prior art references can properly anticipate the presently claimed invention, within the meaning of 35 U.S.C. § 102. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

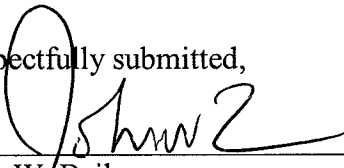
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Reg. No. 58,258 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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